



## Arizona Medical Board

9545 E. Doubletree Ranch Road • Scottsdale, AZ 85258-5514  
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February 15, 2011

Carl F. Diener, M.D.  
5375 E. Erickson Dr., Ste. 101  
Tucson, AZ 85712-2838

**Re: Carl F. Diener, M.D.**  
**Case # MD-10-0635A**

Dear Dr. Diener:

The purpose of this letter is to inform you that during the course of the February 9, 2011 public meeting, the Arizona Medical Board (Board) reviewed the above-referenced complaint and all pertinent evidence and information gathered during the investigation. At the conclusion of its review, the Board voted to issue you this Advisory Letter for inappropriate management of dehydration in a patient with diarrhea, and for inappropriate empirical use of ampicillin in a patient with *Klebsiella oxytoca* pyelonephritis.

An advisory letter is a non-disciplinary action, and is not subject to review by either the Board or the Courts. See *Murphy v. Board of Medical Examiners of the State of Arizona*, 190 Ariz. 441, 949 P.2d 530 (App. 1997). However, you may file a written response to the letter with the Board within thirty days after its receipt A.R.S. § 32-1451(E)(3). Please be aware that Board staff will only post a narrative response by the licensee or the licensee's legal representative on the Board's website. Accordingly, please do not include medical records or third party opinions as part of your response. Also, please remember that you are responsible for maintaining the confidentiality of the patient's identity. Finally, Board staff requests that the response not disclose the name of the medical consultant who reviewed the case or the name of any other healthcare provider associated with the matter in question.

If timely received, the response will be attached to the advisory letter and maintained in the licensee's permanent file. The written response will also be hyperlinked to the licensee's profile on the agency's website.

Sincerely,

Amanda Schwabe  
Board Coordinator  
E-Mail: [boardcoordinator@azmd.gov](mailto:boardcoordinator@azmd.gov)  
Phone: (480) 551-2712  
Fax: (480) 551-2705

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **CARL DIENER, M.D.**

4 Holder of License No. **5462**  
5 For the Practice of Allopathic Medicine

6 In the State of Arizona.

**Case No. MD- 10-0635A**  
**ORDER FOR CONTINUING MEDICAL**  
**EDUCATION**

**(NON-DISCIPLINARY)**

7 At its public meeting on February 9, 2011, the Arizona Medical Board ("Board") voted to  
8 issue Carl Diener, M.D. ("Physician") a non-disciplinary Continuing Medical Education (CME)  
9 Order for inadequate medical records in violation of A.R.S. § 32-1401(27)(e). The Board ordered  
10 Physician to complete the PACE medical recordkeeping course within six months pursuant to  
11 A.R.S. §32-1451(E)(2). The CME hours shall be in addition to the hours required for the biennial  
12 renewal of medical licensure. This matter does not rise to the level of discipline.

13 **ORDER**

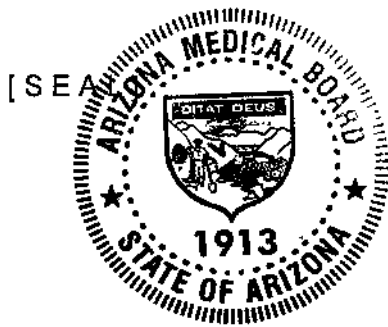
14 IT IS HEREBY ORDERED that Physician shall, within six months, complete the PACE  
15 medical recordkeeping course and provide Board Staff with satisfactory proof of attendance. The  
16 CME hours shall be in addition to the hours required for biennial renewal of his medical license.  
17 Respondent's failure to complete the CME will subject him to future disciplinary action by the  
18 Board. A.R.S. § 32-1401(27)(r).

19 **RIGHT TO APPEAL**

20 **NOTICE IS HEREBY GIVEN** that, pursuant to A.R.S. § 41-1092.03, any person aggrieved by this  
21 decision may apply to the Board, in writing, within thirty (30) days of receipt and request a public  
22 hearing with respect to this order. You may request a hearing by filing a notice of appeal. The  
23 notice of appeal must be filed with the Board's Executive Director, and should include your name,  
24 address, the action being appealed, and a concise statement of the reasons for the appeal. If you  
25

1 request a public hearing, the hearing will be scheduled within sixty (60) days of receipt of your  
2 request. If you request a public hearing, you also have the right to request an informal settlement  
3 conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than  
4 twenty (20) days before the scheduled hearing. The conference will be held within fifteen (15) days  
5 after receipt of your request. Please note that you waive any right to object to the participation of  
6 the Board's representative in the final administrative decision of the matter if it is not settled at the  
7 conference.

8 DATED this 17<sup>th</sup> day of February, 2011.



ARIZONA MEDICAL BOARD

11 By [Signature]  
12 LISA S. WYNN  
13 Executive Director

14  
15 **ORIGINAL** of the foregoing filed this  
17<sup>th</sup> day of February, 2011 with:

16 Arizona Medical Board  
17 9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

18 **EXECUTED COPY** of the foregoing  
19 Mailed by US Mail this 17<sup>th</sup> day of February 2011 to:

20 Carl Diener, M.D.  
21 Address of Record

[Signature]